



ASECA CHANNEL

(A monthly Journal from All India ASECA)

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Volume: VII Issue: 12 December, 2009 Annual Subscription Rs50/- Single copy Rs5/-

Editorial

Around the World, the common concern being expressed is on the languages becoming endangered or extinct. As per the study conducted by UNESCO, the languages are vanishing at an astonishing rate and it has been estimated that within a short period of time many languages will be extinct. There are other languages which have been categorized under endangered list meaning thereby it is a language which is at risk of falling out of use. If it loses all its native speakers, it becomes an extinct language.

In this scenario, many linguists feel that in the near future, many languages are going to be a thing of the past and their reference will only be cited in the research institutions. With the extinction of a language, culture of that particular group(s) will be vanished from the world. When the spoken languages are under threat, the ways and means of their preservations become important and paramount. The intensity of love of people speaking a language decides its continuation and propagation. Many languages have lost their relevance owing to lack of patronage and usage. There are myriad excuses to abandon a language and adopt a new language for intra as well as inter community communication medium. It is the convenience and source of opportunity which decide about its usage by the people. More and more people particularly marginal group in the society accept and use the regional or mainstream language as it gives them an opportunity for upward mobility. They loose patience in pursuing their own language thinking that it is inadequate to provide them an umbrella under which they can prosper and also it cannot be a prime mover for moving forward. Tribal society is mainly hit by this phenomenon and it is seen that second generation of the urban based family gradually are distancing themselves from their mother tongue and thus have become alien to the mother tongue which is hitherto being used by their parents. This development has restricted the free movement of people and forced them to remain in isolation within their own community. The prolonged isolation is becoming a bane for this section of the

society, which prevents them from mingling with people and in the process are forced to keep themselves aloof from their counterpart.

At the same time it is heartening to see the resolve of the people to preserve and promote their language. Onus lies with the people who see their existence and future with the progress and relevance of their language. People have understood and realized the fact that preservation is very difficult whereas loosing takes no time. It is easier to loose but need efforts and endeavour to develop it to make it friendly and useful. Involvement and participation of people becomes pivotal in deciding the destiny of a language. Society preserves its language through speaking and using the language. The songs and other forms of literature are the medium to make the language more acceptable among the people. The use of language and fulfilling the requirement of communication is one part and use of language in other aspects of social existence is another important aspect. It has been observed that song becomes an important vehicle for maintaining the continuation. The more the society uses its language, the more is the chance of its survival. Santali language has survived due to this process only where songs are framed by the men and women from time immemorial and it is exchanged and disseminated during various social functions. There are innumerable varieties of songs in oral form which if collected, collated and published could enrich the Indian literature treasure. The originators, creator of the songs are all illiterate people but it is important to note that the creations of such people are full of meaning and quality. The songs are natural and the contents of the songs depict the experience of daily life. Present day policy also generated compulsion on some section of people for the sake of development of other section. Mother tongue education though cited as the best tool to educate a person still it has not been made a firm national or local policy. But still people are continuing with their benign efforts to keep their language live and thus are protecting many languages from becoming endangered/extinction.

Scheduled Communities: A social Development profile of SC/STs (Bihar, Jharkhand & W.B)

(Source: Planning Commission)

{Continued from November 2009 issue}

Scheduled Tribes

Jharkhand

At the middle level of education 6.1 percent male, 2.5 percent female with an overall 4.5 percent have completed education. The gender disparity climbs up to 0.412.

There is perceptible increase of 12.6 percent males having completed either the secondary or senior secondary level of education. Correspondingly the female education level remains at a low of 2.9 percent. The gender disparity reaches 0.231.

As for highest level of education, spanning graduate/postgraduate level, 3.6 percent males and 0.4 percent females are in this category. The gender disparity reaches a peak of 0.110.

Table 6.6. - Levels of education among the Scheduled Castes in Bihar (Not reproduced)

- As we enter into performance of individual castes, the performance of Dhobi surpasses all others. Nearly one fourth (24.4%) percent of the males are either graduates or postgraduates and 10 percent of the females have attained the same level of education. The gender disparity at this level is 0.410. At the primary and incomplete level it is 0.946. A distinguishing feature is that among the Scheduled Caste women, the performance of Dhobi from primary level onwards is way above those of others.
- The performance of the Dusadh is clearly higher than those of the Chamar and Chaupal. As many as 70 (11.6%) persons have completed secondary /sr. secondary and 14 (2.3%) have completed graduation or postgraduation from the 113 households of Dusadh. The gender disparity at the primary/incomplete primary level is 0.782 whilst at the secondary and sr. secondary level is 0.232. At the highest level the disparity is 100 percent.
- Amongst the Chamar, 73 persons have completed secondary/sr secondary and 18 have completed

graduation and postgraduation from the 159 households of Chamar. In comparison to the Dusadh, the gender disparity at the three levels are: 0.568, 0.181, and 0.067.

- Among the Chaupal 9 persons have attained secondary level of education and one person has graduated from the 29 households.
- Clearly the performance of Musahar is the least with only one graduate and seven persons attaining the secondary/sr. secondary level from 69 households. Both the Chaupal and Musahar with low levels of education have large disparities.

Jharkhand

In Jharkhand among the Scheduled Castes, of those who have either an incomplete primary education or have completed primary education, as many as 43.4 percent are males, and 37.7 percent are females. The gender disparity at this level is 0.869 percent.

As for middle level of education, 11.2 percent male and 7.3 percent female with an overall 9.2 percent have completed this level. The gender disparity at this level is 0.65.

At the secondary/sr. secondary level, 11.9 percent male and 4.0 percent female with an overall average of 7.9 percent have a gender disparity of 0.336.

As for highest level of education, 4.6 percent male and 3.3 percent female with an overall percentage of 4.0, the gender disparity is remarkably low at 0.719.

With respect to individual castes,

- While both the Chamar and the Dom have high rates of literacy, clearly the Chamar has performed exceedingly well in school in higher education. As many as 14 persons of Chamar have completed secondary/sr. secondary level education and 12 have completed higher education out of only 16 households.

The gender-disparity at the primary/incomplete primary, secondary/sr. secondary and at the highest level are: 0.959, 0.568, 0.731 respectively.

{To be continued...}

ISSUE OF ADOPTION, SUCCESSION AND INHERITANCE IN SANTAL SOCIETY

Source: Jharkhand High Court

{Santal Society is continue to be managed and governed by the laws, rules, customs, precedents which are unwritten nor properly documented. Due to absence of properly documentation of accepted laws, traditional / customary judgement on similar cases differs from place to place. Here is a judgement from Jharkhand High Court on adoption, succession and inheritance which is of immense interest to the members of the Santal Society in particular. The same is being reproduced for the common knowledge and benefit of all.}

{Continued from November 2009 issue}

The Hindu or Muhammadan laws of succession do not apply to Santals. Santal tribal law is quite definite in not allowing females to inherit, but this law is gradually undergoing a change and the situation created by this change is discussed in a separate paragraph below. According to tribal custom, it is permissible for a man with daughters and no sons to take a son-in-law into his house as a Gharjamai and to give him thereby all the rights of a son. The adoption of a Gharjamai is a formal proceeding leaving no room for doubt as to the father-in-law's intention and resulting in the Gharjamai cutting off all connection with his own family as far as his rights to property are concerned, and becoming to all intents and purposes the son of his father-in-law. When such adoption has been formally made the Gharjamai can succeed as a son and oust other male relatives. It is of importance to note that a Gharjamai can be adopted only by a deliberate public act in the presence of the village community at the time of the marriage, and that according to tribal law a father-in-law cannot at a later stage convert an ordinary son-in-law into a Gharjamai. A widow cannot in any circumstances, create a Gharjamai. There is a distinction between a Gharjamai and a Ghardi-jamai. In both cases the bridal party goes from the bride's house to fetch the prospective husband and no dowry (pon) is given, but whereas the gharjamai is adopted permanently as a son, a ghardi-jamai merely lives and labours in his wife's home for a previously stipulated period which may extend up to five years. He thereby works off the debt due on account of the non-payment of pon. A ghardi-jamai is not entitled to get anything from his wife's family, but the woman herself is usually given a small present (arpa)

annually at the harvest season, and this is utilized for setting up her new home. At the expiry of the stipulated period, the Ghardi-jamai is free and may return to his own home with wife."

14. In the final report on the 'Survey and Settlement Operations in the district of Sonthal Parganas, 1898-1907', H. McPherson said: -

"One of the most interesting sections of Mr. Bompas' note is that which sets forth Sonthal customary law on the subject of partition, inheritance and marriage, subjects which perhaps in view of clause (c), section 23 of Regulation III of 1872, should have been dealt with more fully in the settlement record-of-rights of Sonthal villages than has been done. As the principles set forth by Mr. Bompas in his note were followed in disputes about inheritance that arose during the settlement in Sonthal villages, it will make this report more complete if I quote below those portions of Mr. Bompas' note which are pertinent to the subject.

"(1) Sonthal Partition. – When there are many grandsons or the sons do not live happily together, the father and mother will make a partition, a panchayat will be called and the father will divide all the land and cattle and will keep one share for himself; and the son with whom the parents live, will retain possession of their share during their lifetime. When the father and mother cannot get about, the sons will have to support them, as, when they were little and could not support themselves, the father and mother supported them with great trouble. Daughters

get no share. Often at marriage they give them one calf each; and so at a partition if there are unmarried daughters they get one calf each. At a partition unmarried sons get a double share of the live stock, one share for their marriage expenses. Cattle which the daughters-in-law got from their father and brothers and father-in-law at the time of marriage will not be divided but the cattle which the sons got at marriage will be divided.

“(2) Inheritance. – If a woman dies while her sons are unmarried, they cannot demand a partition even if their father takes a second wife, but they can do so if they like after marriage. The father gets one share and the sons one share each. If the second wife has no children, when the father dies, the sons of the first wife can take the share their father got, but if they take it they will have to pay for the funeral of their step-mother.

“If a woman is left a widow without sons, her husband’s father or brothers will get the whole property. The woman will get only one calf, one bandi of paddy, one bati and one cloth, and will return to her parents’ house. Some men under these circumstances will keep their elder brother’s widow and not let her return to her parents. This is considered very praiseworthy. The brother who keeps the widow will get his own share of the deceased brother’s property, he will not take the whole.

“If a widow has daughters, their paternal grandfather and uncles will take charge of mother and daughters, and the property will remain in their possession. When the daughters grow up, they will marry them, and at their marriage they will give them what presents they would have got from their father, and they will support the mother until her death. When all

the daughters are disposed of, the widow will get the perquisites of a childless widow and go to her father’s house or will go and live with her daughters.

“The widow with a son will keep all the property in her own possession; the grandfather and uncles can only properly look on to see that the wife does not waste the property. If a widow remarries before her sons are married, the grandfather and uncles will take possession of all the property and the mother of the children has no right to get anything. Sometimes a calf is given her out of kindness and is called bhandkar.”

15. Although *patrilineal* system amongst the Santhals is under stress, the author W.G.Archer himself had noticed the growing trend towards the change whereby a landless widow inherited her late husband’s land until she remarried. He had also observed how the settlement operation in deference to local custom recognized right of a women by recording them as owner. In Gantzer’s Settlement Record, it is mentioned that settlement confers right of widows and daughters beyond the customary law. In the *Bihar District Gazettes of Santhal Parganas*, by P.C. Roy Choudhary, the status of a woman has been described as under:

“A Santal woman plays a very important role in Santal community. Seemingly she occupies an inferior position but she has her rights along with obligations according to custom and tradition.

The civil condition of a Santal woman has been undergoing changes along with the impact of modernism. There have been some investigations into the position of a Santal woman by several scholars. Mr. W.G. Archer, who was a Deputy Commissioner of Santal Parganas some years back has also made some investigations.

{To be continued...}

FROM:

If undelivered please return to:
ALL INDIA ASECA,
 SFS Flat No. 326, Pocket 10,
 Sector 11 (Extension), Rohini,
Delhi - 110 085.

• *Editor:* Purna Chandra Hembram • *Published and Printed* by Kuanr Chandra Kisku on behalf of All India Adivasi Socio Educational and Cultural Association (Registered), New Delhi • *Printed* at S. K. Enterprises, B- 975, Mangol Puri, Delhi 110 083 and published from SFS Flat No. 326, Pocket 10, Sector 11 (Extension), Rohini, Delhi 110 085.